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Agenda items 5 and 9

STATUS OF PREPARATION OF PUBLICATIONS, STUDIES AND DOCUMENTS FOR THE WORLD CONFERENCE

CONSIDERATION OF THE FINAL OUTCOME OF THE WORLD CONFERENCE, TAKING INTO CONSIDERATION THE PREPARATORY WORK AND THE CONCLUSIONS OF THE REGIONAL MEETINGS

Note by the Secretariat

Addendum

1. The General Assembly, in its resolutions 45/155 and 46/116, "(E)ncourages the Chairman of the Commission on Human Rights, the chairman or other designated members of human rights expert bodies as well as special and thematic rapporteurs and chairmen or designated members of working groups to take part in the work of the Preparatory Committee".

2. Accordingly, the special rapporteurs of the Commission on Human Rights met in Geneva from 20 to 21 April 1993 and have prepared the attached suggestions.

SUGGESTIONS FOR AMENDMENTS TO DOCUMENT A/CONF.157/PC/82 MADE BY CHAIRMEN OF WORKING GROUPS AND SPECIAL RAPPORTEURS/REPRESENTATIVES/EXPERTS IN THE FIELD OF SPECIAL PROCEDURES

A. Proposed amendments to specific provisions

Preambular paragraph 2:

Should read as follows: Affirming that the human being is the central subject of human rights and noting that, in order to become the principal beneficiary of these rights, the human being should be able to enforce them through appropriate remedies and be effectively protected in their enjoyment;

Preambular paragraph 6:

Replace the words a common standard of achievement by the words the International Bill of Human Rights.

Principle 1:

First two sentences should read as follows: Human rights are a central element of a world order based on law and justice. Their protection and promotion are essential to the full achievement of the other purposes of the United Nations:

Principle 2:

The first words of the principle should read as follows: The protection and promotion

Principle 3:

Seventh line the words must contribute to the strengthening of the universality of human rights should be replaced by the following words ought to strengthen the universal implementation of human rights standards.

In the line before the last, the words to promote and protect should be replaced by the words to protect and promote

Principle 4:

Should read as follows: The protection and promotion of human rights through procedures evolved by the international community cannot be considered as interference in domestic affairs.

Principle 5:

Last sentence to be deleted.

Principle 8:

First sentence should read as follows: Respect for human rights and for fundamental freedoms for all human beings without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status is a fundamental rule of international human rights law.

Principle 10:

Fifth line the word preferential should be preceded by the words where suitable and appropriate.

Principle 13:

In the first line the words promotion and protection should be replaced by the words protection and promotion

Principle 14:

Principle 14 should be replaced by two new principles:

14. (a) The World Conference recognizes the significant achievement in the codification and progressive development of international human rights standards. The Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family as referred to in the United Nations Charter and, having become an instrument of international law, constitutes an obligation for the members of the international community.

14. (b) The universal acceptance of the major human rights treaties is imperative, in particular the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention Against Torture, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

Principle 15:

Should read as follows: The administration of justice, including law enforcement and prosecutorial agencies and, especially, an independent judiciary and legal profession, in full conformity with internationally accepted standards, are crucial to the full realization of human rights and indispensable to the processes of democracy and development. It is incumbent upon Governments to make every effort to establish and strengthen the relevant institutions and the training of officials. International organizations are called upon to assist them in these endeavours.

Principle 18:

In the line before the last, replace the words promotion of and respect for by the words protection and promotion of.

Principle 19:

Should read as follows: The United Nations must act effectively to prevent and to bring an end to grave or massive human rights violations, and to this end, make full use of all the instruments at its disposal.

Principle 20:

Last sentence should read as follows: Accordingly, human rights education and the dissemination of information about human rights, both theoretical and practical, are essential functions for promoting and encouraging respect for human rights for all without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and should be undertaken as priority objectives of educational policies at both the national and international levels.

Principle 21:

Last sentence of Principle 21 should read as follows: Governments, with the assistance of the international community should develop, implement and evaluate approaches which aim at improving respect for human rights through the establishment and strengthening of national legislation, institutions and infrastructures which uphold the rule of law, promote human rights training, teaching and education, enhance popular participation and strengthen civil society.

Principle 22:

(Should be deleted).

Principle 23:

In the sixth line the words the promotion and protection should be replaced by the words the protection and promotion

Principle 25:

On the second line, after the words non-governmental organizations add the words and human rights defenders

At the end of Principle 25, continue the sentence by adding the words protected and promoted.

Principle 26:

In the first line delete the words objective and impartial

The last sentence of Principle 26 should read as follows: The freedom of the media must be respected and guaranteed.

Draft programme of Action

(Chapter V. Implementation and Monitoring Methods should come before Chapter I. United Nations System wide action on Human Rights).

CHAPTER I:

Title of old Chapter I should read United Nations integrated approach on Human Rights

Paragraph 1 of Chapter I:

In the first line the words system wide action for should be replaced by the words an integrated approach to

Last sentence of paragraph 1 should be removed and become last sentence of paragraph 6.

Paragraph 2 of Chapter I:

In the first line delete the word Furthermore,

The last sentence of paragraph 2 should read as follows: These organizations should be invited to participate in coordination meetings held within the United Nations system.

Paragraph 4 of Chapter I:

In the fifth line the world universality should be replaced by the words universal acceptance

Last sentence of paragraph 4 should be deleted.

Add new paragraph 4 bis which should read as follows: Any reservations to and declarations about human rights treaties must be fully compatible with the object and purpose of the treaties concerned. The relevant United Nations organs are urged to seize the International Court of Justice, through the appropriate procedural means, whenever so requested by a treaty-monitoring body.

Paragraph 6 of Chapter I:

In the third line after the words in order to add the word coordinate,

(Add last sentence of paragraph 1 as mentioned above).

Paragraph 7 of Chapter I:

In the second line of paragraph 7 the words regional and eventually other offices should be replaced by the words field offices

Add at the end a new sentence which should read as follows: To this end the necessary resources should be made available.

All of paragraph 7 should be removed to be placed before paragraph 10 of Chapter I.

Paragraph 8 of Chapter I:

In the second line after the word facilitating add the words coordination of the

Paragraph 9 of Chapter I:

Add at the end a new sentence which should read as follows: In this regard, the Centre should receive the necessary resources to establish a computerized database as appropriate with a view to facilitating access to and exchange relevant information.

New paragraph 9 bis

After paragraph 9 insert a new paragraph 9 bis which should read as follows: The World Conference notes with alarm the growing disparity between the Human Rights Programme and the human and financial resources allocated to the Centre for Human Rights, which has resulted in an insufficient number of personnel and inadequate conditions of employment. Accordingly the World Conference requests the Secretary-General and the General Assembly to provide substantially increased resources from the regular United Nations budget for the Human Rights Programme and to regularize and improve the terms and conditions of employment of the staff, and requests the Assistant Secretary-General for Human Rights to report annually to the Commission on Human Rights and the Assembly on progress made in making the resources available in order to carry out the Programme of Action.

Paragraph 10 of Chapter I:

In the last line after the word increased add the words and systematic

(RENUMBER ALL PARAGRAPH IN CHAPTER I ACCORDINGLY).

CHAPTER II

In Sub-Chapter A of Chapter II the title should read Racism, Apartheid, Racial Discrimination, Xenophobia and Related Intolerance

CHAPTER IV:

Paragraph 1 of Chapter IV:

In the fourth line replace the words as a matter of the highest priority by the following words to give highest priority to education in human rights and humanitarian law to police, military and prison personnel and to include such education.

CHAPTER V:

Paragraph 2 of Chapter V:

Should be deleted and replaced with the second sentence of paragraph 6.

Paragraph 6 of Chapter V:

In the fifth line after the word monitoring add the words and the assignment of field officers,

Second sentence should read as follows: In cases where these reports reflect a situation of grave and massive violations of human rights, the above-mentioned bodies may request the Secretary-General to bring their reports to the attention of the Security Council in order to address the situation.

Paragraph 8 of Chapter V:

In the second line the words the promotion and protection should be replaced by the words the protection and promotion

In the fifth line after the words coordination of add the words human rights and

Paragraph 10 of Chapter V:

In the second line after the word ensuring add the words publicity for and

Paragraph 12 of Chapter V:

Add at the end of the paragraph the following words or the nationality of the offender. Such persons may not be exempted from criminal liability, either in law or in fact. Victims must be granted reparation, including an enforceable right to compensation.

B. General suggestions for improvement of the document:

- The Principles should be regrouped under a thematic structure.
- The introductory sentence to the Draft Programme of Action should express the idea that the listing as existing in the present document is not exhaustive.
- The thematic sub-division of the Programme of Action should include a separate section on the human rights issues related to refugees and displaced persons.
- In Chapter II, sub-section A, add a separate paragraph at the end on the subject of apartheid.

- In connection with the provisions concerning vulnerable groups, specific provisions should be envisaged for all groups specified in article 2 of the Universal Declaration of Human Rights and for persons infected by the HIV virus.

- Strengthen the language of paragraph 5 of Chapter III and include human rights defenders.

- The subjects mentioned as deserving special consideration should include the following:

1. the problem of ethnic and religious conflicts and the role of so-called non-govenmental entities in such conflicts:

2. the protection of experts and secretariat staff during field missions.

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